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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,163	05/18/2006	Adam Galas	15347.01US1	7955
25541 7590 07/08/2009 NEAL, GERBER, & EISENBERG SUITE 1700 2 NORTH LASALLE STREET CHICAGO, IL 60602			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			NOTIFICATION DATE 07/08/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@ngelaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,163	<b>Applicant(s)</b> GALAS, ADAM	
	<b>Examiner</b> JESSICA LAUX	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/18/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1/08/2009 have been fully considered but they are not persuasive. Elements 18 and 33, 29 do combine to provide a surface used to finish a corner in that they interface with each other in an assembled condition and provide a top surface to the skirting board where the skirting board is used to finish a corner between a wall and floor. The fact that element 18 is not exposed is moot as this is not a claimed feature. The front plate 26 is not used exclusively to finish the corner as the all the elements of Samuels combine to create the finished surface.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Samuels (6191363).**

1. Samuels discloses a skirting board comprising:

a base profile (11), the base profile comprising a receiving portion (34, 35) and a deflecting arm (18); and

a guard profile (26), the guard profile comprising a protruding portion (37) that interfaces with the receiving portion of the base profile and a curved portion (33, 29); wherein the guard profile combines with the base profile to provide at least one open space (as seen in figures 1-2); and wherein the deflecting arm and the curved portion combine to provide a surface used to finish a corner produced by a floor and a wall (as seen in figure 1).

2. The skirting board of Claim 1, wherein the receiving portion comprises at least one surface (generally at 36) adapted to receive the guard profile.

3. The skirting board of Claim 2, wherein the protruding portion comprises at least one interface portion (38) adapted to interface with one oblique surface (where elements 36 create oblique surfaces).

4. The skirting board of claim 3, wherein the open space is adapted to receive a cable (as seen in figure 2).

5. The skirting board of Claim 3, wherein the base profile further comprises a plurality of openings (16), for attachment of the base profile to the wall.

Claim 6. Samuels discloses a skirting board comprising:

a base profile (11) comprising a first arm (21) and a receiving portion (34, 35) having a first and a second oblique surface, wherein the cross-section of the receiving portion is trapezoidal in shape (where elements 36 create a trapezoidal shape);

a ledge (18) formed on the base profile; and

a guard profile (generally 26) fastened within the base profile by a pair of interface protrusions (38, one extending from each side of 37), the guard profile comprising a second arm (31); wherein the guard profile at least partially rests on the ledge when the guard profile is fastened to the base profile (as seen in figure 1, where 31 rests on 18); and

wherein the first arm and the second arm cooperate to provide a surface used to finish a corner produced by a floor and a wall (where the first arm and second arm

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cooperate to space the guard profile in contact with the base profile and away from the wall to accommodate wiring).

7. The skirting board of Claim 6, wherein the arm of the base profile is swept out at its outer end (generally at 24, 25).

8. The skirting board of Claim 6, wherein the base profile is provided with a series of ports (as seen in figures 1-2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels (6191363) in view of Warszawa (PL60484).**

Claims 9-12. Samuels discloses a skirting board system comprising:

a base profile (11) selectively engagable to a wall and comprising a receiving portion (34, 35);

a guard profile, (26) each guard profile comprising a protruding portion (37) that interfaces with the receiving portion of the base profile.

Samuels does not expressly disclose that there are a plurality of base and guard profiles or inward and outward projecting end caps (for use a juncture of a wall to a wall).

Warszawa discloses a skirting board profile having a plurality of base and guard profiles and inward and outward projecting end caps (4,7), having first and second walls that are generally perpendicular, that engage the base profile to fit completely over the base profile (see figures).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the skirting board of Samuels to include a plurality of base and guard profiles to allow for a skirting board configuration that would be usable in a room having more than one wall, and further to include inward and outward end caps for the skirting board system at locations where a wall meets a wall either at an inward or outward bend thereby creating a universal skirting board system usable in various room configurations.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/J. L./  
Examiner, Art Unit 3635